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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,216	10/13/2005	Kiyoshi Nakamori	071971-0378	8976

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EXAMINER
CHOW, LIXI

ART UNIT	PAPER NUMBER
2627	

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03/27/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *1* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1-19* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

1.   This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

A. Figs. 1 and 2

B. Figs. 3 and 4

C. Figs. 5 and 6

D. Figs. 7 and 8

E. Figs. 9 and 10

F. Figs. 11 and 12

G. Figs. 13 and 14

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

The claims are deemed to correspond to the species listed above in the following manner:

Species A: claims 1-2
Species B: claims 3-4, 10-13 and 19
Species C: claims 5-6 and 19
Species D: claim 7, 15, 16 and 19
Species E: claim 8 and 17-19
Species F: claims 9-13 and 19
Species G: claims 14-19

The following claim(s) are generic: claims 1-2 are generic to species A, B and F.

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons:

1) Species B does not require the "counter for detecting mark portion" of species C; Species B does not require the "counter for detecting mark portion" of species D, and does not require the RF signal to be inputted into the counter for detecting mark portion; Species B does not require the "counter for detecting space portion of species E, and does not require the RF signal to be inputted into the counter for detecting mark portion; Species B does not require the "counter for detecting space portion" ,"counter for detecting mark portion" and the logic gate of species F; and Species B does not require the "counter for detecting mark portion", "counter for detecting space portion" and "flip flop" (i.e., element 70) of species G, and does not require the RF signal to be inputted into the counter for detecting mark portion.

2) Species C does not require the "counter for detecting space portion" of Species C; Species C does not require the "counter for detecting mark portion" of species D, and does not require the RF signal to be inputted into the counter for detecting mark portion; Species C does not require the "counter for detecting space portion of species E, and does not require the RF signal to be inputted into the counter for detecting mark portion; Species C does not require the "counter for detecting space portion" ,"counter for detecting mark portion" and the logic gate of species F; and Species C does not require the "counter for detecting mark portion", "counter for detecting space portion" and "flip flop" (i.e., element 70) of species G, and does not require the RF signal to be inputted into the counter for detecting mark portion.

3) Species D does not require the "counter for detecting space portion" of species B, and does not require the RF signal to be inputted into the counter for detecting recorded area; species D does not require the "counter for detecting mark portion" of species C, and does not require the RF signal to be inputted into the counter for detecting recorded area; species D does not require the "counter for detecting space portion of species E; Species D does not require the "counter for detecting space portion", "counter for detecting mark portion" and the logic gate of specie F, and does not require the RF signal to be inputted into the counter for detecting recorded area; and

species D does not require the "counter for detecting mark portion", "counter for detecting space portion" and "flip flop" (i.e., element 70) of species G.

4) Species E does not require the "counter for detecting space portion" of species B, and does not require the RF signal to be inputted into the counter for detecting recorded area; species E does not require the "counter for detecting mark portion" of species C, and does not require the RF signal to be inputted into the counter for detecting recorded area; species E does not require the "counter for detecting mark portion" of species D; species E does not require the "counter for detecting mark portion", "counter for detecting space portion", and the logic gate of species F, and does not require the RF signal to be inputted into the counter for detecting recorded area; and species E does not require the "counter for detecting mark portion', "counter for detecting space portion", and "flip flop" (i.e., element 70) of species G.

5) Species F does not require the "counter for detecting mark portion" of species D, and does not require the counter for detecting recorded area to receive the output signal of the counter for detecting mark portion; species F does not require the "counter for detecting space portion" of species E, and does not require the counter for detecting recorded area to receive the output signal of the counter for detecting space portion; and species F does not require the "flip flop" (i.e., element 70) of species G.

6) Species G does not require the "counter for detecting space portion" of species B, and does not require the RF signal to be inputted into the counter for detecting recorded area; species G does not require the "counter for detecting mark portion" of species C, and does not require the RF signal to be inputted into the counter for detecting recorded area; species G does not require the "logic gate" of species F, and does not require the RF signal to be inputted into the counter for detecting recorded area.

2.   A telephone call was made to Mr. Michael Fogarty on 03/23/09 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

3.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIXI CHOW whose telephone number is (571)272-7571. The examiner can normally be reached on Mon-Fri, 8:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lixi Chow/
Examiner, Art Unit 2627